

EXHIBIT 5

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF

FRANK FERRARA

IRVINE, CALIFORNIA

JULY 10, 2017

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REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A34

1 Any administrative type of actions, for 09:57:47
2 example, labor board hearings or anything like that 09:57:51
3 that you've been involved with? 09:57:54
4 A. No. 09:57:56
5 Q. Okay. Have you ever been convicted of a 09:57:56
6 felony or anything like that? 09:58:09
7 A. No. 09:58:11
8 Q. Okay. Where were you born? 09:58:11
9 A. Glendale, California. 09:58:15
10 Q. And what's your date of birth? 09:58:16
11 A. October 21, 1956. 09:58:18
12 Q. Did you go to P.V. High School? 09:58:26
13 A. Yes, I did. 09:58:29
14 Q. What year did you graduate? 09:58:29
15 A. 1974. 09:58:31
16 Q. If I recall correctly, your mother is still 09:58:32
17 alive? 09:58:44
18 A. Yes. 09:58:44
19 Q. And what's your mother's name? 09:58:44
20 A. Ramona. 09:58:47
21 Q. And your father passed away? 09:58:48
22 A. Yes. 09:58:51
23 Q. And you have a brother Angelo; is that 09:58:51
24 correct? 09:58:55
25 A. Yes. 09:58:55

1 that time. 10:24:25

2 Q. That's right. 10:24:25

3 What made you decide to surf Lunada Bay at 10:24:30

4 15 years old? 10:24:34

5 A. That's where my friends surfed and the waves 10:24:36

6 were good and we liked the challenge. 10:24:41

7 Q. And when you say friends, are the friends 10:24:44

8 your age or, I'm trying to figure out why you first 10:24:48

9 went down there? 10:24:52

10 A. Just my friends that were a little older than 10:24:53

11 me and we just all surfed together. And we chose to 10:24:56

12 surf there. We lived there and we chose to surf 10:25:01

13 there. 10:25:03

14 Q. And who were those friends? 10:25:04

15 MS. BACON: Calls for speculation, if you 10:25:11

16 recall. 10:25:13

17 THE WITNESS: Um, there are several, probably 10:25:15

18 too many names to list. 10:25:18

19 BY MR. OTTEN: 10:25:21

20 Q. Let's go through the ones that you remember. 10:25:21

21 A. Jeff Sumral, he's dead, S-u-m-r-a-l. 10:25:23

22 Doug Hoffman, Mark Sumral, Mike Thiel, my 10:25:30

23 brother Angelo, John and Danny Camplin. And Danny is 10:25:38

24 deceased. He's dead, also. 10:25:42

25 Q. Did you go down -- did one of them bring you 10:25:52

1 down there the first time that you surfed? 10:25:56

2 A. No. 10:25:58

3 Q. Did you go down alone? 10:25:58

4 A. I went down with my brother. 10:26:00

5 Q. Okay. And had your brother surfed there 10:26:01

6 before that time? 10:26:04

7 A. No. 10:26:05

8 Q. Was it winter that you went down there, it 10:26:06

9 must have been? 10:26:15

10 A. Yes. 10:26:16

11 Q. Did you ever surf Lunada Bay in the summer? 10:26:17

12 A. Yes, a few times. 10:26:20

13 Q. On what, like a steep southeast or something? 10:26:22

14 A. Yes. 10:26:27

15 Q. So, you went down there with your brother; 10:26:27

16 did you get good waves? 10:26:31

17 A. Of course. 10:26:33

18 Q. Did anybody bother you? 10:26:34

19 A. Never. 10:26:36

20 Q. And I'm just talking about back then? 10:26:37

21 A. Never. 10:26:42

22 MR. OTTEN: Okay. I'm going to show you a 10:26:47

23 photograph that looks like it was previously marked 10:26:49

24 in Angelo's deposition. It's Exhibit 102. So, let's 10:26:55

25 keep that exhibit the same. 10:27:01

1 THE WITNESS: Yes. 10:42:13
2 MS. LUTZ: Join. 10:42:14
3 BY MR. OTTEN: 10:42:16
4 Q. How about David Mello? 10:42:16
5 MS. BACON: Same objections. 10:42:20
6 THE WITNESS: Yes. 10:42:23
7 BY MR. OTTEN: 10:42:32
8 Q. Back when you started surfing out there was 10:42:33
9 Zen Del Rio surfing out there? 10:42:36
10 A. Yes. 10:42:38
11 Q. Do you know if he's older? 10:42:38
12 A. I believe that we're the same age. 10:42:40
13 Q. Were any of the Fairbrothers surfing out 10:42:44
14 there in the seventies? 10:43:16
15 MS. BACON: The Fairbrothers? 10:43:17
16 BY MR. OTTEN: 10:43:19
17 Q. F-a-i-r-b-r-o-t-h-e-r-s? 10:43:19
18 A. Steve. 10:43:27
19 MS. BACON: Like Fairbrothers, but 10:43:28
20 Fairbrothers is the name. 10:43:31
21 THE WITNESS: If they're fair people. 10:43:32
22 MS. BACON: He was calling them the 10:43:34
23 Fairbrothers, see what I'm saying. 10:43:37
24 BY MR. OTTEN: 10:43:39
25 Q. There's like three or two of them? 10:43:39

1 A. No, I did not. 11:32:18

2 Q. And by the way, I think that you mentioned 11:32:19

3 two Charlies? 11:32:22

4 A. There are three. There's Charlie Mowatt, 11:32:22

5 actually, there's four, Charlie Ferrara, Charlie 11:32:23

6 Mowatt, Charlie Beukemia, and Charlie May. 11:32:29

7 Q. How old is Charlie May? 11:32:30

8 A. I believe that he's two or three years older 11:32:38

9 than me, I believe. 11:32:40

10 Q. Okay. Is there anyone that has been surfing 11:32:42

11 out there longer than you at this point? 11:32:46

12 A. Charlie, I believe has, Mike Thiel, Jeff, 11:32:48

13 maybe John Camplin. 11:32:55

14 Q. And how often does John Camplin get in the 11:32:59

15 water? 11:33:03

16 A. I don't see him very much anymore. He really 11:33:03

17 works a lot. 11:33:07

18 Q. Okay. So, Charlie, by the way, do you have 11:33:07

19 an E-Mail address? 11:33:19

20 A. Which Charlie? 11:33:20

21 Q. Mowatt. What's your E-Mail address? 11:33:21

22 A. My E-Mail address is Dodge 106. 11:33:24

23 MS. BACON: Obviously, this is subject to the 11:33:30

24 protective order. 11:33:32

25 MR. OTTEN: Yeah. 11:33:33

1 THE WITNESS: Are you completed with this? 14:05:43

2 MR. OTTEN: I'll hand you another photograph 14:07:10

3 that I'll mark as Exhibit 284. 14:07:15

4 14:07:15

5 (Deposition Exhibit 284 was 14:07:15

6 marked for identification 14:07:15

7 and is attached hereto.) 14:07:17

8 14:07:17

9 BY MR. OTTEN: 14:08:00

10 Q. That's supposed to be John Rall. 14:08:00

11 A. Which one, the one on the right or the left? 14:08:05

12 MR. OTTEN: The one on the right, I think. 14:08:06

13 I've never met John Rall. So, I couldn't tell you. 14:08:08

14 MR. OTTEN: Okay. So, let's talk about 14:08:16

15 Exhibit 285. 14:08:19

16 14:08:19

17 (Deposition Exhibit 285 was 14:08:19

18 marked for identification 14:08:19

19 and is attached hereto.) 14:08:19

20 14:08:20

21 MR. OTTEN: Let's mark that document as 14:08:45

22 Exhibit 285. 14:08:47

23 MS. BACON: I'll object to the article as 14:08:47

24 lacks foundation, outside the scope of admissible 14:08:51

25 evidence. 14:08:54

1 BY MR. OTTEN: 14:08:55

2 Q. This was the article that you were mentioning 14:09:00

3 earlier; is that correct? 14:09:02

4 A. Yes. 14:09:03

5 Q. Do you know who did the interview? 14:09:03

6 A. I don't remember the guy's name, but they 14:09:09

7 called me several times. 14:09:12

8 Q. Okay. 14:09:13

9 A. They called me several times to do an 14:09:14

10 interview. And I declined a couple of times. And 14:09:17

11 then when Jim had called me, hey, would you do this, 14:09:20

12 I said all right. 14:09:24

13 Q. Right. 14:09:26

14 A. So then I agreed to do it. 14:09:26

15 Q. And when you say Jim, that's Jim Russi; is 14:09:28

16 that correct? 14:09:32

17 A. Yes. 14:09:32

18 Q. Was Jim working for, is it Surfer? 14:09:32

19 A. Yeah, Surfer. 14:09:36

20 Q. Was Jim working for Surfer? 14:09:37

21 A. Yeah. I believe that Jim worked for about 14:09:39

22 Surfer and Surfing at the same time, both magazines. 14:09:42

23 Q. Okay. Not to get off track, but you 14:09:46

24 mentioned Jim. 14:09:54

25 Do you recall Jim being quoted in a local 14:09:55

1 right. 14:15:12

2 But you know the one about you're saying that 14:15:13

3 I hassled someone out there, not true at all. Just I 14:15:17

4 want to make that clear. 14:15:20

5 But they contacted me and said that we're 14:15:21

6 doing a series on people that are non-professional 14:15:23

7 surfers. If they would like, if it would be okay to 14:15:26

8 talk about them a little bit. 14:15:30

9 And I said, all right. I'll do it. So, I 14:15:33

10 decided to do it. 14:15:37

11 Q. Okay. So, he says to you in this article, 14:15:38

12 what is your -- 14:15:53

13 A. I know it by heart. 14:15:55

14 Q. What's your local spot. And you say, just 14:15:56

15 call it a secret spot. 14:16:00

16 A. Uh-huh. 14:16:02

17 Q. What did you mean by that? 14:16:03

18 A. It's none of anyone's business where I surf. 14:16:05

19 If the article was about me, why would they talk 14:16:08

20 about the surfing spot. 14:16:10

21 Q. I don't know. 14:16:12

22 A. I'm just sharing with you. That's why he 14:16:13

23 didn't need the name of it. 14:16:15

24 Q. Why not just say Lunada Bay? 14:16:16

25 A. It doesn't need to be exposed. 14:16:19

1 MS. BACON: Assumes facts. 14:16:21

2 THE WITNESS: That was my choice. 14:16:25

3 BY MR. OTTEN: 14:16:25

4 Q. So, you didn't want Lunada Bay to be exposed, 14:16:26

5 why? 14:16:29

6 MS. BACON: Assumes facts, lacks foundation, 14:16:29

7 calls for speculation. 14:16:31

8 THE WITNESS: Because it was my choice. 14:16:32

9 BY MR. OTTEN: 14:16:33

10 Q. But what would it matter if it was exposed by 14:16:34

11 you or somebody else? 14:16:37

12 MS. BACON: Same objection, argumentative. 14:16:38

13 BY MR. OTTEN: 14:16:40

14 Q. Because people would want to go there? 14:16:40

15 A. It was my choice. And it was about me and 14:16:42

16 not Lunada Bay. 14:16:46

17 Q. Okay. 14:16:48

18 A. What's the title; what's the title? 14:16:48

19 Q. People who surf. 14:16:51

20 A. People who surf. It's not surf spot. It's 14:16:53

21 people who surf. 14:16:55

22 Q. Was this an interview by telephone? 14:16:59

23 A. Yes. 14:17:02

24 Q. Do you see where it says that there was an 14:17:04

25 article a few months ago in the L.A. Times that 14:17:15

1 And you're out there surfing and someone that 14:18:27
2 you don't surf Indicator a lot. You don't really 14:18:30
3 know them, they come out and you are in position to 14:18:34
4 turn around and take off on a wave. 14:18:36

5 They come around and they back paddle you. 14:18:39
6 They start paddling and start yelling, hey, Vic, I 14:18:42
7 got it. Hey, Vic, I've got it. 14:18:44

8 And you're saying, how do they know me. How 14:18:47
9 do they know my name. And then all of a sudden, you 14:18:51
10 guys run into each other. 14:18:52

11 You're not going to want to take off. You 14:18:53
12 get sucked over the falls and you land on them. It's 14:18:55
13 kind of like, gee, maybe that guy shouldn't have done 14:18:59
14 that. That's wrong for him to do. 14:19:03

15 BY MR. OTTEN: 14:19:03

16 Q. We're in total agreement on that. 14:19:03

17 A. We're in agreement on that. 14:19:05

18 Q. But that would be at any spot; right? 14:19:06

19 A. Yeah, at any spot, that's my point, at Lunada 14:19:08
20 Bay, Indicator, Haggerty, the beaches, anywhere in 14:19:11
21 the world, any spot, you know, that pretty much goes 14:19:15
22 on. 14:19:18

23 Q. When you say, the people who have come up 14:19:18
24 there in the past haven't really respected it, excuse 14:19:20
25 me, what did you mean by that? 14:19:23

1 A. Probably people that don't surf there on a 14:19:27
2 regular basis is maybe what I meant at that time. 14:19:30
3 Remember, it's 1991. 14:19:33

4 Q. Right, I know. 14:19:34

5 A. So, it's not like last week or last month. 14:19:35
6 So, your views and opinions change. As you go 14:19:38
7 through life, you get a little wiser and a little 14:19:40
8 smarter. 14:19:44

9 Q. And have your opinions with respect to 14:19:45
10 anything about Lunada Bay changed as you've gotten 14:19:49
11 older? 14:19:54

12 MS. BACON: Vague and ambiguous, over broad. 14:19:54

13 THE WITNESS: Well, I'm glad that they got 14:19:56
14 rid of the patio. 14:19:58

15 BY MR. OTTEN: 14:19:59

16 Q. I figured you would be; right? 14:20:00

17 A. That's how it was when I started surfing 14:20:01
18 there. There was no patio. It seems like it's 14:20:04
19 brought back to the same environment. 14:20:07

20 Q. That was the idea. 14:20:09

21 A. You guys did it, so, there it is. 14:20:12

22 Q. And that's a good thing for you; right, I 14:20:15
23 mean, who wants to go party at the beach if you're 14:20:18
24 there to go surfing; right. 14:20:21

25 MS. BACON: Argumentative. 14:20:23

1 THE WITNESS: I didn't care, either way, but 14:20:24
2 that's how it was when I started surfing there. So, 14:20:26
3 me personally, that's how it was when I started, so, 14:20:29
4 it's nice. 14:20:33

5 BY MR. OTTEN: 14:20:34

6 Q. So, he says then, the next, his next 14:20:34
7 question, but the complaint from visitors is that 14:20:39
8 they're not even given a chance to prove themselves. 14:20:41
9 They're run out or hit with rocks just trying to get 14:20:45
10 to the beach. 14:20:48

11 Your answer is, look what happened at Malibu, 14:20:49
12 Trestles, Rincon, there's five or six guys on every 14:20:55
13 wave. The guys who surf out in the Palos Verdes 14:20:58
14 area, guys who have been there for 20 years, they 14:21:02
15 have seen what happens. 14:21:05

16 One guy comes and surfs it. And then he 14:21:06
17 brings two or three guys, and then they bring three 14:21:11
18 or four of their friends and it snowballs and gets 14:21:14
19 out of hand. 14:21:17

20 This is exactly why we want to protect it. 14:21:17

21 What did you mean by, this is exactly why we 14:21:20
22 want to protect it? 14:21:25

23 A. Because the other surf spots like the Malibu 14:21:27
24 and the Trestles that I talked about in the article, 14:21:33
25 Trestles used to be a walk-in only spot. 14:21:36

1 Indicator a lot, near the south winds I was out 14:25:54

2 there. 14:25:57

3 Q. I love that place. I moved to San Francisco 14:25:57

4 and ended up surfing Ocean Beach and those spots. 14:26:01

5 A. Incredible, Ocean Beach. 14:26:05

6 Q. When it works, it is. 14:26:06

7 A. It's incredible. 14:26:08

8 Q. It's probably, if you're lucky ten days out 14:26:09

9 of the year that you get those perfect conditions. 14:26:12

10 All right. We're almost at the end of this. 14:26:19

11 Do you see where it says, as far as the 14:26:27

12 pecking order goes at Palos Verdes, are you on the 14:26:29

13 upper ring. 14:26:32

14 You say there are some older guys that surf 14:26:33

15 there, but we're still fanatics; what did you mean by 14:26:38

16 that? 14:26:42

17 A. Well, the older guys that surf there now live 14:26:42

18 in Hawaii. They were from, believe it or not, 14:26:44

19 Hermosa. They were Hermosa guys that were the older 14:26:48

20 guys. 14:26:52

21 And then the guys like three to five years 14:26:53

22 above me that I started surfing with, it was like the 14:26:55

23 wave at Lunada Bay, you kind of find a spot where you 14:26:59

24 would like to sit. 14:27:03

25 And that's where you would want to sit. And 14:27:04

1 that's where they would call it kind of the pecking 14:27:06

2 order. 14:27:08

3 If you want to choose the most critical or 14:27:09

4 non-critical, towards the end of the wave or deep 14:27:12

5 spot on the wave. That's what we meant by the 14:27:15

6 pecking order. 14:27:17

7 Q. So, the younger people give deference to the 14:27:18

8 older folks that have been surfing there longer? 14:27:21

9 A. I believe it's the older folks have found a 14:27:23

10 spot in the line-up where they like to sit and 14:27:27

11 takeoff. 14:27:29

12 Q. Okay. 14:27:29

13 A. And the next generation up, they find the 14:27:30

14 spots where they like to sit. 14:27:33

15 Q. But is there a pecking order in the sense of 14:27:34

16 who gets the better waves? 14:27:39

17 A. I think that the pecking order sense of who 14:27:40

18 gets the better waves, if you're in the best spot of 14:27:44

19 the wave, and you're there pretty much by yourself, 14:27:49

20 you're going to get the best wave. 14:27:53

21 Q. Right. 14:27:54

22 A. But there are probably four parts of that 14:27:55

23 wave that are really good that you can be in any of 14:27:57

24 those four parts of that wave and get a good wave. 14:27:59

25 But at Lunada Bay and surfing throughout my 14:28:02

1 whole life, it seems like the guy furthest back, the 14:28:05
2 guy in the most critical spot, if he's making the 14:28:08
3 wave, let him keep going. He's having a good day. 14:28:11
4 And it's just kind of left alone. 14:28:15

5 Q. Okay. I think that I'm following you. 14:28:17

6 Now, that's how you feel. 14:28:22

7 What about the other folks at Lunada Bay in 14:28:24
8 terms of a pecking order, do they have a different 14:28:27
9 opinion about it? 14:28:30

10 MS. BACON: Calls for speculation. 14:28:30

11 THE WITNESS: I don't know if they do or they 14:28:31
12 don't, but I've never had a problem with it. And 14:28:33
13 someone chooses to surf in another spot in the wave, 14:28:37
14 awesome, that's great. 14:28:40

15 BY MR. OTTEN: 14:28:42

16 Q. Well, maybe it's because they're giving you 14:28:42
17 the good waves because of how long you've been there; 14:28:44
18 right? 14:28:48

19 A. No. Everyone gets good waves out there. 14:28:48
20 It's not just where I sit, but the whole Bay is good. 14:28:50
21 So, there are good waves for everyone there. 14:28:54

22 Q. Okay. So, the last question he has he says, 14:28:56
23 you guys don't feel the need for exposure. 14:29:09

24 And you say, no, we didn't. It has been so 14:29:12
25 nice. And we want to keep it that way. I've got two 14:29:15

1 little boys who are seven and five. And I hope one 14:29:19
2 day they'll be out there shralping and tearing it. 14:29:22
3 A. S-h-r-a-l-p-i-n-g. 14:29:22
4 Q. And I think you've kind of already answered 14:29:44
5 this, but when you say that you didn't feel the need 14:29:46
6 for exposure, why did you do the interview, because 14:29:48
7 you thought that it was about surfing; right? 14:29:59
8 A. About me, and not the spot. 14:30:01
9 MR. OTTEN: Okay. The next document is 14:30:51
10 Exhibit 286. 14:30:53
11 14:30:53
12 (Deposition Exhibit 286 was 14:30:53
13 marked for identification 14:30:53
14 and is attached hereto.) 14:30:53
15 14:30:54
16 MS. BACON: I'll just object to this as 14:30:55
17 there's no physical evidence. 14:30:56
18 BY MR. OTTEN: 14:30:58
19 Q. Have you seen this document before? 14:30:58
20 A. Yes. 14:31:00
21 Q. Can you tell us what it is? 14:31:00
22 A. Sure. 14:31:02
23 Q. What is it? 14:31:03
24 A. Yeah, I might as well. When they asked me to 14:31:05
25 do the people who surf article, I believe this 14:31:07

1 offended a surfer in Long Beach is what this article 14:31:11
2 was about. 14:31:14

3 And I didn't write that article to offend 14:31:15
4 anyone. And so he wrote back to Surfer Magazine. 14:31:18
5 And Surfer Magazine called me and they said, hey, 14:31:23
6 someone wrote an article back and they read it to me. 14:31:26

7 And I said to myself, wow, that's pretty bad. 14:31:30
8 And I don't know who this guy is. I've never surfed 14:31:34
9 with this guy. 14:31:38

10 I've traveled the world and have never had a 14:31:39
11 problem surfing. I've never had a problem. I've 14:31:41
12 never been kicked out of any surf spots. 14:31:43

13 I have no reason why this would offend 14:31:46
14 someone. Then I just thought to myself, he probably 14:31:49
15 had a tough day at maybe going to the Peninsula maybe 14:31:52
16 or another spot where maybe he got harassed, but, 14:31:56
17 sorry, man, I can't control that. 14:32:01

18 And so I kind of almost like chuckled about 14:32:03
19 it a little bit, but then when I talked to the guys 14:32:07
20 at Surfer, they said, we'll let you write an article 14:32:10
21 to respond to this. 14:32:13

22 And that's when I wrote back, don't be a 14:32:14
23 kook. And then they ended it, but that was just my 14:32:17
24 opinion. 14:32:21

25 Q. I have a question. This letter is to 14:32:21

1 Frankie Ferrara, a so-called protector of Palos 14:32:23
2 Verdes. 14:32:28
3 Do you have any idea where he got, protector 14:32:29
4 of Palos Verdes from because I didn't see it in this 14:32:35
5 article? 14:32:37
6 MS. BACON: Calls for speculation. 14:32:38
7 BY MR. OTTEN: 14:32:39
8 Q. In this one, I'm saying. 14:32:39
9 A. I know, I have no idea, but that's what he 14:32:41
10 classified me as. 14:32:43
11 Q. Okay. 14:32:50
12 A. So then he's calling me a jerk. And he 14:32:57
13 doesn't even know me. And my kids are the most 14:33:00
14 respectful. 14:33:03
15 You weren't here for Charlie's deposition? 14:33:04
16 Q. No. 14:33:08
17 A. He's a good boy, my son Salvatore, my 14:33:08
18 daughter Filippa. They're awesome kids. I get 14:33:11
19 compliments all the time about my kids. 14:33:12
20 So then now he was bringing up God's name. I 14:33:14
21 mean, he doesn't need to do that. And me wise up, 14:33:17
22 and he's going to clue me into things, and so on and 14:33:21
23 so on. 14:33:26
24 But at least he's giving me some respect 14:33:27
25 calling me Mr. Ferrara. So, I guess he was a younger 14:33:30

1 MR. OTTEN: So then let's get to 14:35:44
2 your response -- 14:35:46
3 THE WITNESS: Can we take a break? 14:35:54
4 MR. OTTEN: Sure. 14:35:55
5 THE VIDEOGRAPHER: The D.V.D. is being 14:35:56
6 paused. We are going off the record 2:36 p.m., and 14:35:57
7 don't forget your microphones. 14:36:01
8 14:36:03
9 (Discussion held off the record.) 14:36:03
10 14:40:03
11 THE VIDEOGRAPHER: We are back on record at 14:40:03
12 2:40 p.m. 14:40:04
13 BY MR. OTTEN: 14:40:05
14 Q. So, Exhibit 287 is something that you just 14:40:06
15 mentioned. 14:40:10
16 A. Yeah.
17
18 (Deposition Exhibit 287 was
19 marked for identification
20 and is attached hereto.)
21 14:40:11
22 BY MR. OTTEN: 14:40:11
23 Q. This is entitled, Today's Lesson: Don't Be A 14:40:11
24 Kook. And I think that you said that this was what 14:40:14
25 you wrote in response to the last exhibit which was 14:40:17

1 called, Teach The Children Well? 14:40:22

2 A. Yes. 14:40:24

3 MS. BACON: I just want to object to the 14:40:25

4 exhibit in general that it's outside of the evidence. 14:40:28

5 BY MR. OTTEN: 14:40:32

6 Q. And you wrote this; correct? 14:40:32

7 A. Yes. 14:40:33

8 Q. And did you write it in the year of 1992? 14:40:34

9 A. Whenever the date was. 14:40:40

10 Q. So, this is responding, it says, responding 14:40:41

11 to Teach The Children Well letter, February of 1992; 14:40:46

12 it would have been in that time frame? 14:40:52

13 A. Yeah. 14:40:53

14 Q. You say responding to the Teach The Children 14:40:54

15 Well letter, February of 1992 by the Kook, Don 14:40:57

16 Boller, of Long Beach, California. 14:41:03

17 I know there's no surf in Long Beach, Don. 14:41:05

18 So now I know why you have to travel to surf. That's 14:41:09

19 your problem, not mine. 14:41:13

20 What did you mean by that? 14:41:15

21 A. Just what it says. 14:41:16

22 Q. Well -- 14:41:17

23 A. What more do you want to know; do you want to 14:41:21

24 know about -- 14:41:24

25 MS. BACON: That's fine. 14:41:25

1 BY MR. OTTEN: 14:44:37

2 Q. I didn't say Lunada pirates. I'm just saying 14:44:37

3 that there's an awful lot of photographs in this 14:44:40

4 lawsuit of you guys wearing pirate shirts. 14:44:43

5 A. Am I in one of them? 14:44:46

6 Q. I've not seen you in one of them. 14:44:48

7 A. Of course not, no, of course not. 14:44:50

8 Q. So, my question is, is that what you're 14:44:52

9 referring to as protected by the pirates? 14:44:55

10 A. No. I pulled that name out of the sky. It's 14:44:57

11 protected by other friends of mine that would do the 14:44:59

12 same thing that I would do if someone got themselves 14:45:02

13 into harm's way, they would help them get out of a 14:45:07

14 bad situation. 14:45:10

15 Q. So, someone that considered themselves a 14:45:11

16 protector of Lunada Bay, it's like they're a 14:45:14

17 lifeguard or something, that they're there to make 14:45:18

18 sure that people don't get hurt? 14:45:18

19 A. Sure, yeah. 14:45:20

20 Q. And then you say that's why there are no 14:45:21

21 kooks like you? 14:45:27

22 A. Right, uh-huh. 14:45:30

23 Q. So, if you read just the structure of your 14:45:31

24 sentences, I'm a protector of Palos Verdes, it's also 14:45:35

25 protected by the pirates who surf there. That's why 14:45:38

1 there are no kooks like you. 14:45:42

2 What did you mean by that? 14:45:44

3 A. Just like what it said. Go ahead. 14:45:49

4 Q. You protect Lunada Bay from kooks; right? 14:45:54

5 A. No. 14:45:58

6 MS. BACON: Lacks foundation. 14:45:58

7 MR. OTTEN: That's what it says. 14:46:00

8 MS. BACON: Assumes facts, misstates 14:46:02

9 testimony. 14:46:04

10 THE WITNESS: I'm not reading that's what it 14:46:04

11 says. I'm the protector of Palos Verdes. It doesn't 14:46:06

12 say Lunada Bay. 14:46:10

13 BY MR. OTTEN: 14:46:11

14 Q. Oh, I see. So, you're a protector of 14:46:12

15 Palos Verdes? 14:46:15

16 A. Of surfing, if I'm out in the water surfing. 14:46:16

17 And you know what, when this article was printed, it 14:46:19

18 was responding to one guy. 14:46:22

19 I'm not responding to you or anyone in this 14:46:26

20 room or anyone else on the planet. It was me and 14:46:28

21 this guy here, Don. 14:46:31

22 Q. Right, but you don't know Don? 14:46:34

23 A. And he doesn't know me. 14:46:36

24 Q. Okay. 14:46:38

25 A. So, why is this such a big deal about it? 14:46:39

1 Q. Okay. I want to talk some more about the 15:21:40
2 Lunada Bay etiquette now. 15:21:49
3 A. Okay. 15:21:51
4 Q. People coming to visit, can they paddle out 15:21:51
5 to the main peak and just catch waves with the 15:21:55
6 locals? 15:21:59
7 A. If they would, um, respect if someone further 15:21:59
8 back from them has the wave, and they have the right 15:22:05
9 gear, and they have the right equipment and they're 15:22:08
10 ready for the waves of that day, why not. 15:22:10
11 Q. Who should get priority for the better waves, 15:22:12
12 the local or visiting surfer? 15:22:19
13 MS. BACON: Calls for speculation, lacks 15:22:21
14 foundation. 15:22:23
15 THE WITNESS: What do you think? 15:22:24
16 BY MR. OTTEN: 15:22:27
17 Q. I'm asking you. 15:22:27
18 A. But what do you think? You're a surfer. 15:22:28
19 Wouldn't you think that a surfer that, that's their 15:22:31
20 local surf spot, and someone from another surf spot 15:22:36
21 comes there, I know for myself surf etiquette when I 15:22:40
22 go to Hawaii or anywhere in California, Mexico, 15:22:44
23 wherever I've traveled the world, Australia, Indo, 15:22:48
24 Tavarua. 15:22:48
25 When I go to another surf spot, I always give 15:22:54

1 them the green light to the wave of their choice and 15:22:57

2 I'll take the next one. That's me. 15:22:59

3 Q. If you're at Tavarua and you're paying 2,500 15:23:17

4 bucks a week to be there, how is there any locals? 15:23:22

5 A. I'll tell you, people that regularly go 15:23:25

6 there, it feels like it's their spot. The boat 15:23:28

7 drivers, it feels like it's their spot. 15:23:32

8 So, if I'm with one of the boat drivers and 15:23:35

9 he's out surfing, I'll always give him preference. I 15:23:38

10 went there with a group of surfers from San Clemente. 15:23:39

11 And when I went there with the group of 15:23:41

12 surfers from San Clemente, this was their seventh or 15:23:44

13 eighth trip, to me they were surfing that break 15:23:47

14 longer than me. I would give them preference on 15:23:49

15 waves. 15:23:52

16 Q. Okay. 15:24:09

17 A. Hawaii is just a stop on the way. 15:24:19

18 Q. Let's see here how I do this. 15:24:24

19 A. (Witness Nods). 15:24:39

20 Q. Let me show you a video that this one is 15:24:39

21 marked DFT, period BB, period, 000081. And I'll 15:24:47

22 represent to you that that's the video that I talked 15:25:01

23 about earlier, of what happened to Diana Reed when 15:25:02

24 she went down to the stone patio. 15:25:10

25 MS. BACON: Can you move it so that I can 15:25:29

1 Diana Reed or Corey Spencer or Christopher Taloa ever 15:30:05
2 wanted to come surfing anywhere with me, I'd be happy 15:30:09
3 to take any of you guys surfing, anywhere, anytime as 15:30:12
4 long as I knew that you guys were skilled or 15:30:15
5 qualified enough. 15:30:18

6 And I know that Diana talked about she wants 15:30:19
7 to be an accomplished big wave surfer. And she has 15:30:22
8 got her makeup and she's looking like she's ready to 15:30:24
9 go out on a date and she's on the patio. 15:30:27

10 Q. Her arm was broken. 15:30:29

11 A. I didn't know that. 15:30:31

12 Q. She was there videotaping her boyfriend. 15:30:32

13 A. Who was out surfing? 15:30:35

14 Q. Yeah. 15:30:36

15 A. Okay. 15:30:37

16 Q. The guy, that somebody threatened to break 15:30:37
17 his face if he didn't get out. 15:30:42

18 A. That's not right. 15:30:43

19 Q. So, let me ask you this. This could be a lot 15:30:44
20 simpler than I've been making it. 15:30:49

21 First of all, you said none of these things 15:30:51
22 happened. And I'll give you credit for maybe not 15:30:53
23 knowing about it, but I think that you under estimate 15:30:56
24 your ability to change things because you're 15:30:59
25 respected and you're a christian -- 15:31:05

1 A. No. 15:40:43

2 Q. Did you ever talk to your son Charlie about 15:40:43

3 what happened at the fort that day? 15:40:53

4 A. At the patio, yes. 15:40:55

5 Q. And what did he say? 15:40:57

6 A. He said he was, um -- he said he was a little 15:40:58

7 discouraged how they talked to Diana. And he didn't 15:41:05

8 agree with it. And then he went surfing. That was, 15:41:12

9 that was pretty much all we talked about. 15:41:16

10 Q. Did you ask him why he told the police he 15:41:19

11 didn't see anything? 15:41:22

12 A. What do you mean that he didn't see anything. 15:41:25

13 Q. It's in the police report. I can show you. 15:41:27

14 A. Yeah, show me. Show me what it says so I 15:41:29

15 know. We didn't talk much about it. 15:41:33

16 Q. Did he tell you details about what he 15:41:36

17 observed? 15:41:39

18 A. No. The details on what was observed is what 15:41:40

19 I just saw in your video right there. 15:41:43

20 Q. Yeah. 15:41:44

21 A. So, when you asked me about Charlie, didn't 15:41:45

22 you just ask me if -- what did you ask me. Did 15:41:49

23 Charlie see what had happened. 15:41:54

24 Q. I asked what he had told you about it. 15:41:57

25 A. Yeah. He told me that he had heard what had 15:42:00

1 Ferrara acknowledged that he was quoted in 15:44:21
2 Surfer Magazine in 1991, explaining that the 15:44:25
3 Peninsula surfers, quote, protect the break so it can 15:44:28
4 be enjoyed by them and their children without a 15:44:31
5 crowd. 15:44:34

6 A. I didn't state that like that. 15:44:36

7 Q. Okay. What's wrong with the way that she 15:44:41
8 wrote it? 15:44:43

9 A. Well, she said Ferrara acknowledged he was 15:44:45
10 quoted in Surfer Magazine in 1991 explaining that 15:44:49
11 Peninsula surfers protect the break so it can be 15:44:54
12 enjoyed by them and their children without a crowd. 15:44:55

13 She missed shralping it up without a crowd. 15:44:58

14 Q. Okay. 15:44:58

15 A. It sounds a little fun. Lighten it up. 15:45:04

16 You got the shralping; right. 15:45:11

17 Q. And then she said, in a subsequent rebuttal 15:45:12
18 to a letter to the editor, Ferrara called himself a 15:45:14
19 protector of Palos Verdes. 15:45:18

20 On Thursday he said, and she's I guess 15:45:21
21 referring to her discussion with you, quote, it was 15:45:23
22 just an exchange of words. 15:45:25

23 A. The exchange of words was between me and 15:45:28
24 Don Boller. That was the exchange of words. And the 15:45:33
25 protection was if we're out there surfing on a tough 15:45:36

1 did the meniscus tear on his knee when he played 16:04:45

2 baseball. 16:04:49

3 Q. Is Dan from P.V.; do you know? 16:04:49

4 A. I believe he's from New York. And then he 16:04:52

5 moved out here about 25 years ago, I believe. 16:04:55

6 Q. Have you heard of an eye doctor that they 16:05:00

7 call Redman that surfed out there? 16:05:02

8 A. No. 16:05:05

9 Q. With a red beard? 16:05:05

10 A. No. I've heard -- I've heard of an eye 16:05:06

11 doctor, but I don't know who he is. 16:05:10

12 Q. So, you don't know the last time that he has 16:05:11

13 been out there? 16:05:21

14 A. No. 16:05:22

15 Q. Go ahead. 16:05:22

16 A. The reason that I'm laughing, sorry 16:05:23

17 everybody, but Justin Turner, the third baseman for 16:05:26

18 the Dodgers went to the All-Star game and he's 16:05:30

19 incredible. 16:05:32

20 When you brought that name up, he's got long 16:05:33

21 red hair and a long beard. I started to chuckle. 16:05:34

22 Sorry. 16:05:37

23 Q. And is he still surfing out there? 16:06:18

24 A. Yes. 16:06:21

25 Q. How often do you see Joe Bark out there? 16:06:21

1 A. I see Joe probably two thirds of the time 16:06:25

2 that I surf out at the Bay. 16:06:27

3 Q. I don't think that I asked you this earlier. 16:06:29

4 Did you ever hear about Joe being a part of 16:06:34

5 any meetings discussing how to keep non-locals from 16:06:36

6 surfing Lunada Bay? 16:06:42

7 A. No. 16:06:43

8 Q. John Macharg told me that there was a meeting 16:06:44

9 around, I don't want to misrepresent the date, but I 16:06:49

10 think that he said that it was in the eighties, I 16:06:53

11 believe, and that had, it was out by the plaza there, 16:07:00

12 you know, where the -- 16:07:07

13 A. Lunada Bay. 16:07:09

14 Q. Yeah. You don't know anything about that? 16:07:10

15 A. No. 16:07:13

16 Q. Okay. 16:07:14

17 A. I got married in '82. So, my time was 16:07:17

18 consumed. 16:07:23

19 Q. And life has been blissful ever since; right? 16:07:23

20 A. 35 years. I love her tremendously. It has 16:07:31

21 been a great marriage. I wouldn't change it for the 16:07:32

22 world. 16:07:35

23 Q. You're going to have to order a transcript 16:07:36

24 for that. 16:07:39

25 A. If I ever did anything wrong, hey, Honey. 16:07:40

1	Let's keep moving.	16:39:31
2	MR. OTTEN: This is one of my favorite	16:39:33
3	pictures of the lawsuit.	16:39:34
4	Next is Exhibit 304.	16:39:49
5		16:39:49
6	(Deposition Exhibit 304 was	16:39:49
7	marked for identification	16:39:49
8	and is attached hereto.)	16:39:49
9		16:39:52
10	THE WITNESS: This is young Michael.	16:39:52
11	BY MR. OTTEN:	16:39:53
12	Q. Okay.	16:39:54
13	A. Does he go by Papayans, also, yeah.	16:39:57
14	Q. I believe so.	16:40:01
15	A. Yeah, young Michael.	16:40:02
16	Q. Did you ever hear about a run in with him and	16:40:04
17	Christopher Taloa?	16:40:09
18	A. Yeah.	16:40:11
19	Q. What did you hear?	16:40:11
20	A. He had some words. And he just got in Chris'	16:40:12
21	face. And they were just like a big argument. I	16:40:15
22	heard about that, yeah.	16:40:19
23	Q. Who did you hear about it from?	16:40:20
24	A. I heard about it -- who told me about it. I	16:40:22
25	think, who told me about. I think it was Ron, Ron	16:40:26

1 A. Yes, I know Sheila. 16:41:25

2 Q. Is that his sister or his mom? 16:41:27

3 A. Grandmother. 16:41:29

4 Q. Grandmother? 16:41:30

5 A. Yes. 16:41:32

6 Q. Okay. Do you know what his mom's name is? 16:41:32

7 A. Jenny. 16:41:35

8 Q. Jenny? 16:41:37

9 A. Yes. 16:41:38

10 Q. Have you witnessed Jenny engage in any kind 16:41:38

11 of unusual behavior at Lunada Bay? 16:41:47

12 A. No. 16:41:55

13 MS. BACON: Vague and ambiguous. 16:41:57

14 MR. HAVEN: Vague and ambiguous, calls for 16:41:59

15 speculation. 16:42:00

16 MR. OTTEN: Peter, I was just trying to see 16:42:02

17 if you were still there. 16:42:03

18 MS. BACON: Join. 16:42:05

19 MR. HAVEN: I appreciate it. I appreciate. 16:42:05

20 MR. OTTEN: See how good he is. He was there 16:42:07

21 and I thought that he wasn't. 16:42:10

22 BY MR. OTTEN: 16:42:18

23 Q. All right. Okay. So, little Papayans, his 16:42:18

24 uncle, would it be Sarge. Michael, the uncle is the 16:42:23

25 older guy that surfs out there, Paps. 16:42:27

1 A. Mike, Mike Papayan. 16:42:30

2 Q. Do they call him Paps? 16:42:31

3 A. Yeah. They call him Paps sometimes. 16:42:33

4 Q. Okay. Do you know is Paps a close friend of 16:42:38

5 Desena? 16:42:49

6 A. Yes. 16:42:49

7 MR. OTTEN: Okay. The next exhibit will be 16:43:03

8 marked as Exhibit 305. 16:43:04

9 16:43:04

10 (Deposition Exhibit 305 was 16:43:04

11 marked for identification 16:43:04

12 and is attached hereto.) 16:43:04

13 16:43:05

14 BY MR. OTTEN: 16:43:05

15 Q. Okay. 16:43:06

16 A. I've seen this guy. I should know him, but I 16:43:08

17 don't. Sorry. 16:43:11

18 Q. Is he somebody that you see surfing out 16:43:12

19 there? 16:43:14

20 A. I think that I've seen him, I think. You've 16:43:14

21 got to remember, I'm looking at these people, 16:43:18

22 sometimes I'm not seeing the wet suit. I'm not 16:43:20

23 seeing wet hair, you know. So, they're on the ground 16:43:23

24 there. 16:43:26

25 Q. Is there a dentist that surfs out there? 16:43:26

SURF

Frankie Ferrara
34
Palos Verdes, CA

How long have you lived in Palos Verdes?
I've been here since 1968, living on the Peninsula.

What is your local spot?
Just call it...secret spot.

There was an article a few months ago in the L.A. Times that called the Palos Verdes surfers a bunch of elitist gangsters. As a P.V. guy, what do you think of that?

I think Palos Verdes is a beautiful surfing spot and that some of the people who have come up there in the past haven't really respected it. If they would give some respect and understand the guy farther back or the guy next in line has the wave, it wouldn't be so bad.

But the complaint from visitors is they're not even given a chance to prove themselves. They're run out or hit with rocks just trying to get to the beach.

Look what happened to Malibu, Trestles, Rincon; there's five or six guys on every wave. The guy's who surf out in the Palos Verdes area—guys who've been there 20 years—they've seen what happens. One guy comes and surfs it, and then he brings two or three guys and they bring three or four of their friends and it snowballs and gets out of hand. That's exactly why we want to protect it.

As far as the pecking order goes at Palos Verdes, are you on the upper rung?

There are some older guys that surf there, but we're still fanatics. I keep my surfboards in my truck, and if the surf's good when I'm driving to work, I stop. I'll surf for two or three hours then go to work, then go surfing again for two or three hours that evening. When the bell rings we all just go surfing.

Who would you list in the Palos Verdes Hall of Fame?

Oh God. What a question. I'll tell you something, there's so many good surfers out there. I'd name my brother Angelo Ferrara, Danny and John Camplin, and, are you ready for this name? Slade Fester. That's his name, the guy rips. Uncle Fester. Another guy who hasn't surfed up there in a while, but he'll blow out if he gets his name in there, is Jeff Summerall.

You guys don't feel the need for exposure?
No, we don't. It's been so nice, and we want to keep it that way. I've got two little boys who are seven and five and I hope one day they'll be out there shralping and tearing it

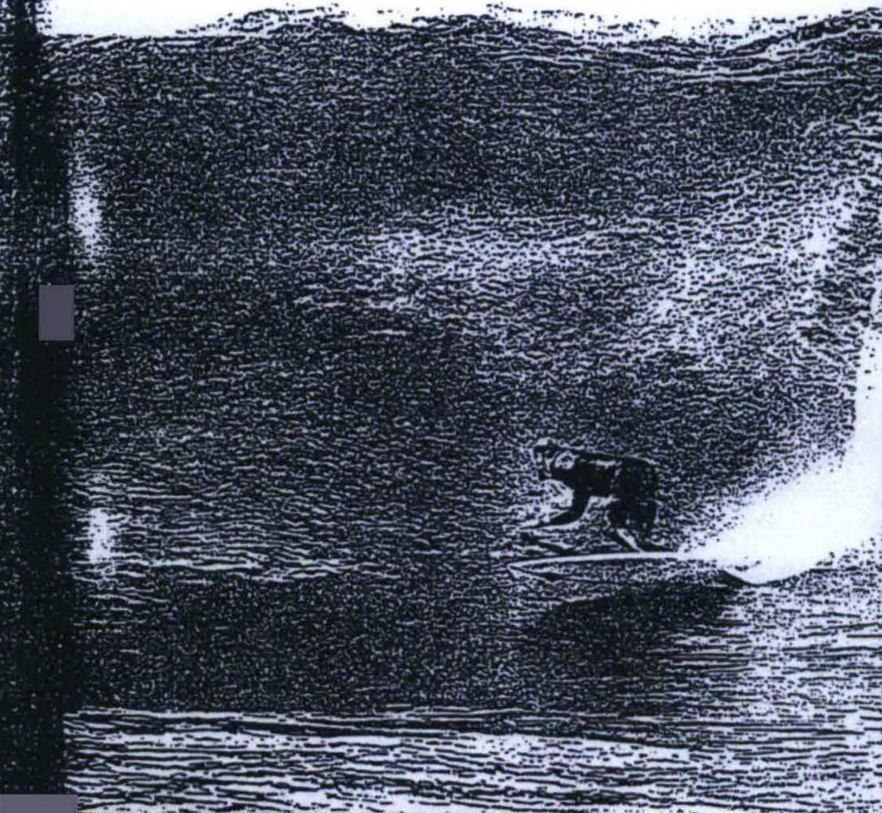


photo: jim russi.



Photo: steve tadin.

1081
EXHIBIT
285
FERRARA 7/10/17

285

1 called a combination person where you can do the auto 10:15:33

2 body and the paint. 10:15:37

3 Q. Were you ever Vice-President of your dad's 10:15:38

4 company? 10:15:41

5 A. No. 10:15:41

6 Q. What were your -- at some point did your job 10:15:42

7 duties there change from -- 10:15:51

8 MS. BACON: Vague and ambiguous, over broad. 10:15:54

9 BY MR. OTTEN: 10:15:55

10 Q. -- from, say, painting to selling cars or 10:15:55

11 buying cars? 10:15:59

12 MS. BACON: Vague and ambiguous, over broad. 10:16:00

13 THE WITNESS: It changed when after I gotten 10:16:02

14 married and chose to get into the auto wholesale 10:16:05

15 business and away from the paint and body industry. 10:16:08

16 BY MR. OTTEN: 10:16:12

17 Q. Okay. So, for the 35 years then I'm going to 10:16:12

18 say you've been not employed by your father's 10:16:15

19 business at all? 10:16:18

20 A. Correct. 10:16:19

21 Q. Okay. And when you got married, you said the 10:16:19

22 auto wholesale business? 10:16:27

23 A. Yes. 10:16:28

24 Q. What does that entail? 10:16:28

25 A. You would buy cars from different new car 10:16:32

1 store franchise dealers or different auto auctions or 10:16:36
2 different lease companies. And then you would buy 10:16:41
3 them and sell them for a profit. 10:16:43

4 Q. Okay. And how did you get into that? 10:16:45

5 A. Just by my experience in the automotive 10:16:48
6 industry. 10:16:51

7 Q. Okay. 10:16:52

8 A. And then I saw that there was an opportunity 10:16:52
9 for me where I was being hired to buy cars for 10:16:54
10 individuals. 10:16:59

11 And then from there it went to dealers that I 10:17:00
12 did business with in the body and paint field. And 10:17:04
13 then they asked if I would buy them cars because I 10:17:08
14 knew how to examine a car and get them a good car at 10:17:15
15 a good price. 10:17:16

16 Q. So, you went to work for somebody right after 10:17:17
17 you left your dad's? 10:17:20

18 A. No. I setup my own auto wholesale business 10:17:21
19 and got licensed by the State and setup a small 10:17:26
20 wholesale business. 10:17:30

21 MS. BACON: Can we take a break? 10:17:30

22 MR. OTTEN: Sure. 10:17:30

23 THE VIDEOGRAPHER: We are going off the 10:17:33
24 record at 10:17 a.m. 10:17:34

25 (Discussion held off the record.) 10:17:49

1 THE VIDEOGRAPHER: We are back on the record 10:20:52
2 at 10:21 a.m. 10:20:53
3 BY MR. OTTEN: 10:20:55
4 Q. We were talking about just briefly your 10:20:55
5 employment. 10:20:58
6 Currently, you work or are you retired? 10:20:59
7 A. I work. 10:21:01
8 Q. And do you have any physical locations where 10:21:01
9 you sell the cars out of or -- 10:21:05
10 A. No. 10:21:07
11 Q. Okay. That's a pretty good gig; right? 10:21:08
12 A. Yes. 10:21:12
13 Q. Any other businesses that you have? 10:21:12
14 A. No. 10:21:24
15 Q. Did you ever have any other businesses that 10:21:24
16 made surfing-related products? 10:21:27
17 A. No. 10:21:31
18 Q. No sunscreen or anything like that? 10:21:31
19 A. I don't make sunscreen, no. 10:21:34
20 Q. By the way, do you ride horses? 10:21:36
21 A. Yes. 10:21:40
22 Q. How long have you been riding? 10:21:41
23 A. 35 years. 10:21:45
24 Q. No kidding? 10:21:46
25 A. Yes. 10:21:48